

**TO: BSCC Chair and Members**

**DATE: November 13, 2014**

**SUBJECT: Assembly Bill 1050 Adult  
Recidivism Definition.  
Requesting Approval.**

**AGENDA ITEM: G**

**RESOURCE PERSON: Ricardo Goodridge**  
[ricardo.goodridge@bscc.ca.gov](mailto:ricardo.goodridge@bscc.ca.gov)

**ACTION: X**  
**INFORMATION:**

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**Summary:**

This agenda item requests approval of the Proposed Adult Recidivism Definition (Attachment C) as recommended by the Assembly Bill (AB) 1050 Executive Steering Committee (ESC).

**Background:**

AB 1050 (Chapter 270, Statutes of 2013) requires the BSCC to “develop definitions of key terms, including, but not limited to, ‘recidivism,’ ‘average daily population,’ ‘treatment program completion rates,’ and any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs.”

In November 2013 the Board approved the establishment of an ESC to develop definitions of key terms as required by AB 1050. The ESC was chaired by BSCC Board Chair Linda Penner and included of the stakeholders and experts listed in the legislation (Attachment A).

**Adult Recidivism Definition Development:**

The AB 1050 ESC held its initial meeting in January 2014 and met approximately every six weeks to craft the recidivism definition. Key activities included (Attachment B):

- Review of existing definitions from the California Department of Corrections and Rehabilitation (CDCR), Chief Probation Officers of California (CPOC), California State Sheriffs Association (CSSA) and the Los Angeles Countywide Criminal Justice Coordination Committee;
- Presentation by CDCR staff on their recidivism definition;
- Creation of the first draft definition in April 2014;
- Facilitation from Edward Latessa, PhD, on common recidivism measures and the value of each measure;
- Creation of the second draft definition in May 2014;
- Convening of a 30-day public comment period (June 2 – July 3, 2014);
- Hosting of public comment sessions in Fresno, Los Angeles and San Francisco County;
- Presentation by the Department of Justice on their recidivism definition; and
- Creation of third draft definition in response to public comment (Attachment C).

Feedback from public comment on the April 2014 draft definition addressed a variety of topics, including:

- Definition is narrow;
- Definition does not go far enough, it does not show the total picture of realignment and whether California has been successful;
- The language on measurement should not be guidance—it should be included in the definition and not left to the discretion of those collecting data;

- Definition will underreport recidivism;
- Definition should be expanded from conviction to include arrests and returns to custody;
- Definition does not capture certain criminal conduct. New convictions would not include violations of supervision even if the offender was returned to custody;
- Qualifying events should be captured in the definition (e.g. new arrests, revocations, etc.). If a qualifying event is considered as part of the definition, determine what a qualifying event is and when it becomes a qualifying event;
- Every return to custody affects the police, sheriffs, jails, courts, prosecution, defense, probation and parole and should be taken into account;
- Current definition is too different from what was used pre-realignment and will misrepresent the recidivism rate;
- The current definition does not count a population in county jails that were counted when they were in prison;
- CDCR historically measures recidivism on three factors: Conviction, arrests and return to custody;
- Measurement should occur at 1, 3 and 5 year intervals;
- It can take multiple years for a conviction to be handed down (e.g. certain gang cases). Under the current definition if the conviction did not occur within three years the individual would not be counted as a recidivist;
- Differentiate crimes committed, such as felony versus misdemeanor, and separate crimes of violence, property and drug offenses to support better overall analysis; and
- Distinguish between minor (e.g. arriving late) and major (domestic violence) technical violations.

Prior to arriving at the proposed definition the ESC discussed all of these issues. For instance, some counties use technical violations as a cost-effective alternative to filing a new charge. Other issues included determining what is serious versus a minor technical violation, how to account for data reporting inconsistencies and responding to comparisons of a pre-realignment recidivism definition.

### **The AB 1050 ESC recommends the following definition to the BSCC:**

#### **“Adult Recidivism Definition**

Recidivism is defined as conviction of a new felony or misdemeanor committed within three years of release from custody or committed within three years of placement on supervision for a previous criminal conviction.<sup>1</sup>

#### **Supplemental Measures**

This definition does not preclude other measures of offender outcomes. Such measures may include new arrest, return to custody, criminal filing, violation of supervision, and level of offense (felony or misdemeanor).

#### **Recidivism Rates**

While the definition adopts a three-year standard measurement period, rates may also be measured over other time intervals such as one, two, or five years.”

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<sup>1</sup> “Committed” refers to the date of offense, not the date of conviction.

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**Recommendation/Action Needed:**

Approve the Proposed Adult Recidivism Definition as recommended by the Assembly Bill 1050 Executive Steering Committee.

**Attachments:**

- A. Executive Steering Committee Membership
- B. Summary of Progress
- C. Proposed Recidivism Definition